

Minutes of Regular Meeting of April 23, 2013

One Twin Pines Lane, Belmont, CA and Aloft Hotel Philadelphia Airport, 4301 Island Avenue, Philadelphia, Pennsylvania 19153 (Teleconference location of Councilmember Lieberman, for Closed Session only)

SPECIAL MEETING

CALL TO ORDER, SUITE 360, 7:00 P.M.

PUBLIC COMMENTS

Michael Schmitz, San Mateo resident, stated that he is aware that the City of Belmont has received an offer on the City-owned property on Bishop Road which is the subject of tonight's Closed Session. He recommended that the City Council proceed with its original plan of hiring an agent to market this property. He suggested that the City seek multiple offers.

ADJOURN TO CLOSED SESSION TO CONSIDER:

A. CONFERENCE WITH REAL PROPERTY NEGOTIATORS – Government Code Section 54956.8

Property: APN 043-021-010 and 043-021-380

Agency negotiators: Greg Scoles, Scott Rennie

Negotiating parties: City of Belmont and Javad Rahimian

Under negotiation: Price and terms of payment for sale of undeveloped City property adjoining Bishop Road.

Attended by: Councilmembers Wozniak, Braunstein, Feierbach, Lieberman, Warden, City Manager Scoles, City Attorney Rennie, Finance Director Fil, and Community Development Director de Melo. City Clerk Cook was excused from attending.

ADJOURNMENT at this time being 7:40 P.M.

(Note: at this time Councilmember Lieberman discontinued participation in the meeting via teleconference.)

Terri Cook

City Clerk

This meeting was not tape recorded or videotaped

REGULAR MEETING

CALL TO ORDER 7:45 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Feierbach, Braunstein, Warden, Wozniak

COUNCILMEMBERS ABSENT: Lieberman

Staff Present: City Manager Scoles, City Attorney Rennie, Police Chief DeSmidt, Community Development Director de Melo, Finance Director Fil, Public Works Director Oskoui, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Wozniak

REPORT FROM CLOSED SESSION

City Attorney Rennie stated that direction was given during the Closed Session held earlier.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Carlos Martin, South San Francisco resident, announced that he is running for office in South San Francisco and stated that many actions of individual cities have regional impacts. He outlined areas of interest that will be factors in his upcoming campaign.

SPECIAL PRESENTATIONS

Update on the Mosquito Abatement District's Activities

Donelle O'Connor, Belmont's representative to the Mosquito and Vector Control Abatement District, thanked the City Council for reappointing her to another two-year term. She stated that she serves as Chair for the District's Finance Committee and is also serving on the Manager evaluation and hiring

committee. She stated that the District has hired a new auditor and is currently in negotiations for its employee contracts.

In response to Council questions, District Manager Bob Gay explained that the District was working with the insurance company regarding recovery of some of the monies that were embezzled from the District. He pointed out that the suspects have pled guilty and one is working on restitution of some of the funds. He clarified that at the outset of this criminal case, the District Attorney issued a gag order until such time as the investigation was a complete and an arrest made. He explained that Ms. O'Connor is now able to speak openly on any District matter with the exception of employee negotiations and litigation.

Mr. Gay outlined services that the District, provides to the residents of Belmont and other cities in San Mateo County, which are provided free of charge. He noted that the District will be hiring a Public Information Officer.

Councilmember Braunstein suggested that the District consider providing information at the upcoming National Night Out event in August, and he recommended that Ms. O'Connor appear before the City Council again when there is important information to provide.

Notre Dame De Namur University Spring Update

Richard Rossi, Notre Dame de Namur University, announced that commencement would be held on May 4th, and the President's Gala would be held later in May. He provided a summary of the school year. He stated that 300 students participated in the annual Call to Action Day. He noted that the University experienced the biggest enrollment it has ever had, and that classes are held on three regional campuses. He commented regarding the need to perform a retrofit of Ralston Hall. He provided a brief overview of athletic activities during the year. He expressed appreciation to the City Council and the community for supporting the University's activities.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Mayor Wozniak noted that 40 people attended a Ralston Avenue Traffic Study Session. She announced an upcoming community painting and landscaping project at Barrett Community Center, as well as a Bike Rodeo. She pointed out that Bike to Work Day would be held on May 9th.

DISCUSSION REGARDING CONSENT CALENDAR

City Attorney Rennie read the full title of the Ordinance Amending Belmont City Code Provisions in Chapters 7 and 21 Pertaining to Sewer Laterals. In response to Mayor Wozniak, City Attorney Rennie clarified that the City Council would have an opportunity to review draft language for the real estate disclosure form before it is finalized.

ITEMS APPROVED ON CONSENT CALENDAR

Approval of Resolution 2013-039 of the City Council Approving Specifications, Authorization to Advertise and Award a Purchase Contract to the Lowest Responsible Bidder for the Acquisition of a New Ford Wheelchair Van for an Amount not to Exceed \$60,000

Approval of Resolution 2013-040 of the City Council Authorizing a Service Agreement with RCC Consultants, Inc. for an Amount not to Exceed \$7,765 to Evaluate the AT&T proposal to Modify a Wireless Telecommunications Facility at 2130 Ralston Avenue (Applicant Funded Study)

Approval of Ordinance 1070 of the City Of Belmont Amending Belmont City Code Provisions in Chapters 7 and 21 Pertaining to Sewer Laterals (2nd Reading and Adoption)

Approval of Updated Response To 2012 Grand Jury Report Regarding Law Enforcement Dispatch Centers In San Mateo County

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, the Consent Agenda was unanimously approved by a show of hands (4-0, Lieberman absent).

HEARINGS

Amendment of Zoning Ordinance: Sections 13.5 – (*Administrative Approvals – Design Review*) and 15.1(*Purpose – Appeals*) to Modify the Notification Procedure and Appeal Requirements Related to Administrative Design Review Approvals

Community Development Director de Melo explained that the proposed amendments to this ordinance are to address inconsistencies regarding public notification and appeal time for the approval of administrative design review projects. He pointed out that the current conditional use permit appeal period provides for 30 days, whereas the appeal period is 10 days for all other approvals. He also noted that there is no public notification process currently in place for administrative approvals, and the ordinance seeks to remedy that situation to provide consistency.

Mayor Wozniak recommended that staff create a place on the City's website to post administrative approvals.

Mayor Wozniak opened the Public Hearing. No one came forward to speak.

ACTION: On a motion by Councilmember Warden, seconded by Mayor Wozniak, the Public Hearing was unanimously closed by a show of hands (4-0, Lieberman absent).

City Attorney Rennie read the full title of the ordinance which will amend the Zoning Ordinance, Sections 13.5 – (Administrative Approvals – Design Review) and 15.1(Purpose – Appeals) to Modify the Notification Procedure and Appeal Requirements Related to Administrative Design Review Approvals.

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Braunstein, and unanimously approved by a show of hands (4-0, Lieberman absent) to introduce the Ordinance and waive further reading.

OTHER BUSINESS

Informational Report Regarding the Pavement Management Program and Overall Condition of Streets in Belmont (Continued from April 9th)

Public Works Director Oskoui stated that the report provides a scientific study regarding the condition of the City's pavement. He defined arterial, collector and residential streets, and described the number of lane miles in each category. He explained that the present value of this asset is \$108 million. He clarified that State and Federal funding sources for streets can be used only for arterial streets.

Public Works Director Oskoui defined the Pavement Condition Index (PCI) scale of 1 to 100. He noted that the MTC (Metropolitan Transportation Commission) recommends that 84 be used as a benchmark, and that Belmont's current index is 57, which is ranked 18th of 20 cities in San Mateo County. He pointed out that the Bay Area average was 66 in 2010. He stated that it is cheaper to maintain roads that are in good condition rather than allow them to fall into disrepair, and that Belmont's strategy has been to keep its good roads in good condition. He clarified that the backlog of street needs is increasing, which will cause the PCI to deteriorate.

Public Works Director Oskoui clarified that the City of Belmont would need \$44.8 million over the next five years to achieve the PCI benchmark of 84, and that funding at the existing level will cause the PCI to drop to 48 by the year 2018. He pointed out that there is a need for four times the current funding to maintain the existing level. He explained that the City is becoming more proactive in its approach, and that the City Council approved the 2013 paving project.

Discussion ensued.

Councilmember Feierbach requested clarification regarding how other cities address their paving needs and the reason why Belmont is at the low end in the County relative to PCI. In response, Public Works Director Oskoui explained that other cities are passing parcel taxes as a way to address their needs.

Mayor Wozniak pointed out that some cities are allowing aggressive development which makes them eligible for grant monies for street improvements.

Councilmember Braunstein stated that other infrastructure needs within the streets such as storm drains and the sewer system are a factor.

Councilmember Warden stated that the City cannot sell bonds for street improvements like it does for the storm and sewer system.

City Manager Scoles pointed out that Belmont's streets are older than those in other cities, and the majority of the streets are local streets.

Discussion ensued.

Ray Moreno, Belmont resident, requested clarification as to why there is not enough money to address this issue. He pointed out that streets used to be slurry-sealed every four years, and the City always had enough money. He stated that the City cannot keep asking the voters for more money.

Mayor Wozniak clarified that there used to be more federal and State monies available to address this issue.

Councilmember Warden stated that some streets have been in poor condition for many years. He pointed out that there is a difference between the perception and reality of the condition of one's street.

City Manger Scoles stated that this is a Priority Calendar project, and that staff will bring back alternatives for further discussion. He noted that further analysis is needed and it may be advantageous to poll the community regarding priorities.

Review of Conditional Uses Allowed in the HRO-1, HRO-2, HRO-3 Zoning Districts

City Attorney Rennie explained that institutional use is the only non-residential use permitted in the HRO Zoning District, and he noted that regulations provide that these uses should be located on or in close proximity to Ralston Avenue. He outlined options to consider if there is a desire to modify the regulations governing institutional uses.

In response to Councilmember Warden, City Attorney Rennie explained that the requirement for environmental review is dependent upon the scope of the proposed change since it could affect all institutional uses throughout the City if the word “should” is modified to “shall” relative to the location of such use. He clarified that the City Council could consider a resolution which would clarify and define the objective distance of the location of institutional uses. He noted that controls are currently in place to deny a Conditional Use Permit if the proposed location is not appropriate.

Councilmember Feierbach explained that a proposed animal shelter in the HRO-1 Zoning District is what generated this issue. She noted that certain uses do not belong in the HRO District. She commented that this matter could be addressed in the new General Plan.

Councilmember Warden expressed support for an amendment to the General Plan.

City Manager Scoles suggested a resolution to define the policy, and to address this matter in the General Plan Update.

Councilmember Braunstein expressed support for a mandate that institutional uses be located close to arterial or collector streets. He pointed out that the HRO-1 Zoning District has no arterial or collector streets.

City Attorney Rennie described the Conditional Use Permit review process and the findings that need to be made.

Susan Lasell, Belmont resident, expressed support for taking action to protect the Canyon and Marsten Avenue. She concurred that institutional uses are inappropriate in this area.

Michael Schmitz, San Mateo resident, expressed support for taking action at this time and not leaving this matter for a future City Council. He would like to see a binding interpretation of this policy.

Carol Rossi, Belmont resident, expressed support for amending the conditional uses at this time and to not leave it open for others to interpret.

Councilmember Feierbach expressed support to eliminate institutional uses in the HRO Zoning District but is concerned regarding the amount of resources necessary to accomplish this. She expressed a desire to close all the loops in protecting the Canyon.

Councilmember Warden concurred, but pointed out that the City Council has other priorities. He noted that anything can be changed by a future City Council. He expressed support for changing the language in the upcoming General Plan Update.

Mayor Wozniak expressed support for the resolution, and noted that clarification is needed for institutional uses throughout the City, not just in the HRO Zoning District.

ACTION: On a motion by Mayor Wozniak, seconded by Councilmember Warden, and approved by a show of hands (3-1, Feierbach no, Lieberman absent) to direct staff to draft a resolution clarifying the location where institutional uses should be sited, and to incorporate changes in the General Plan Update.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Verbal report from Councilmembers on Intergovernmental (IGR) and Subcommittee Assignments

Councilmember Braunstein announced that the member cities of the Emergency Services Council approved the new agreement for Hazmat services provided by the Belmont Fire Protection District, which includes an increase in the budget. He also described a recent workshop, Peninsula Preparedness Network, which assists neighborhoods in preparing for disasters. He pointed out that other cities have more robust systems. He noted that the Four Corners Committee met recently and will be scheduling a fall traffic study session.

Verbal Report from City Manager

City Manager Scoles reported that six proposals were received from potential real estate brokers for the San Juan properties. He outlined an upcoming meeting with Senator Jerry Hill at the upcoming Legislative Action Day relative to legacy pension payments for the fire department. He noted that things are going well with the new arrangement with the San Mateo/Foster City Fire Department.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Ray Moreno, Belmont resident, requested clarification regarding time limits for the public comment section of the agenda.

City Attorney Rennie clarified that the City Council agenda provides two opportunities for the public to comment on items not on the agenda.

ADJOURNMENT at this time, being 9:57 P.M.

Terri Cook

City Clerk

Meeting audio-recorded and videotaped